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HEADQUARTERS UNITED STATES MARINE CORPS
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MARINE CORPS ORDER 3460.1A

From: Commandant of the Marine Corps
To: Distribution List

Subj: TRAINING AND EDUCATION MEASURES NECESSARY TO SUPPORT
THE CODE OF CONDUCT

Ref: (a) MCO 3302.1A
(b) MCO 1500.49

Encl: (1) Guidance for Instruction in Support of the Code of
Conduct
(2) Guidance for Instruction to Assist U.S. Military
Personnel in Captivity or Hostile Detention During
Peacetime

Report Required: IG Results of Code of Conduct Training
(Report Control Symbol EXEMPT), par. 5g

1. Purpose. To provide the necessary guidelines for training
and education of the individual Marine on the Code of Conduct.

2. Cancellation. MCO 3460.1.

3. Background

a. The Code of Conduct outlines the basic responsibilities
and obligations of members of the Armed Forces of the United
States. All Marines are expected to meet the standards
embodied in the Code of Conduct. The six Articles of the Code
of Conduct address the situations that may be encountered by
Marines and include the basic information required by prisoners
of war. Although designed for prisoner of war (POW) situations,
the spirit and intent of the Code are applicable to Marines while
subjected to any hostile detention. When placed in these
situations Marines will conduct themselves in a manner that will
avoid discrediting themselves, their Corps, and their country.

b. The required degree of understanding of the Code is
determined by three factors: susceptibility to capture, amount
of sensitive information possessed, and the captor's assessment
of the captive's usefulness and value.

4. Information

a. The Secretary of Defense requires Marines be trained in
the Code of Conduct to one of three levels.

(1) Level A. The minimum level of understanding for all Marines.

(2) Level B. The minimum level of understanding for Marines whose billets, specialties, or assignments entail moderate risk of capture.

(3) Level C. The minimum level of understanding for Marines whose billets, specialties, or assignments entail significant or high risk of capture and whose position, grade, or seniority make them vulnerable to greater-than-average exploitation by a captor.

b. Enclosure (1) is a training and understanding guide on the Code of Conduct during wartime, and enclosure (2) is a training and understanding guide on the Code of Conduct during peacetime captivity. The enclosures are for use in implementing the required training.

5. Action

a. Commanders of deploying units will ensure that Level B Code of Conduct training is accomplished. This training can be accomplished in conjunction with the training required by reference (a).

b. Commanders will ensure attendance at the formal SERE schools for all aircrews, force reconnaissance Marines, air delivery specialists, topographic personnel (MOS 1402, 1431, 1442, and 1453) and designated intelligence/signals intelligence personnel on a one time basis.

c. Commanders will ensure that personnel assigned to billets specified by reference (b) requiring specialized training for assignment to hazardous billets (i.e., Defensive Driving, Antiterrorism Training, etc.) will receive this training as soon as practical.

d. Commanding General, Marine Corps Combat Development Command will develop and implement Level A training for all entry-level officers as part of The Basic School curriculum.

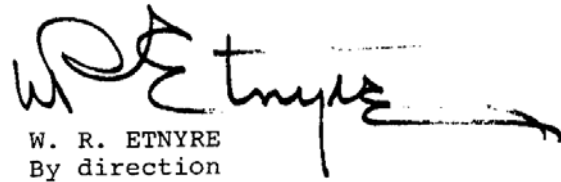
e. Commanding General, Marine Corps Combat Development Command will assist all commands in obtaining training materials.

f. Commanding Generals of the Recruit Depots will conduct Level A training for all Marine recruits.

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g. Inspector General of the Marine Corps will compile and report to the Assistant Secretary of Defense (Force Management and Personnel) and to the Secretary of the Air Force the inspection results of Code of Conduct training by 30 January of each year. Retain copies of reports forwarded to the Assistant Secretary of Defense (Force Management and Personnel) and the Secretary of the Air Force for 2 years. This reporting requirement is exempt and requires no report control symbol.

6. Reserve Applicability. This Order is applicable to the Marine Corps Reserve.



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GUIDANCE FOR INSTRUCTION IN SUPPORT OF
THE CODE OF CONDUCT

A. INSTRUCTION REQUIREMENT

1. The Code of Conduct, outlines basic responsibilities and obligations of members of the U.S. Armed Forces. All Marines are expected to measure up to the standards embodied in the Code of Conduct. Although designed for prisoner of war (POW) situations, the spirit and intent of the Code of Conduct is applicable to individuals subjected to other hostile detention, and all Marines should conduct themselves, consistently, in a manner that shall avoid discrediting themselves, their Corps, or their country.

2. The Code of Conduct, in six brief Articles, addresses those situations and decision areas that, to some degree, shall be encountered by all personnel. It includes basic information useful to U.S. POW's, in their task of surviving honorably while resisting their captor's efforts to exploit them to the advantage of the enemies' cause and the disadvantage of their own. Such survival and resistance requires varying degrees of knowledge of the meaning of the six Articles of the Code of Conduct.

3. The degree of knowledge required by members of the Marine Corps is dictated by the Marine's susceptibility to capture, the amount of sensitive information possessed, and the potential captor's or detaining power's likely assessment of the Marine's usefulness and value.

a. Consequently, the military jobs, specialties, assignments, levels of position, grade, and seniority of some individuals require detailed training in the principles, procedures, and techniques of evasion, captivity survival, and resistance to exploitation. For others, basic explanations of the problems, duties, and obligations of the captive shall suffice.

b. The complex circumstances of detention that are not incident to an armed conflict by a foreign power require special instructions (enclosure 2).

c. The degrees of knowledge required by individual Marines may change with changes in job assignment and levels of responsibility. New information may become available on potential enemies' POW management techniques. Supplementary training shall be provided, as required.

d. As a convenience to training managers, trainers, and those being trained, required levels of understanding are provided based on knowledge needed.

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4. To facilitate such training, section B., below, of this enclosure is outlined for each article of the Code of Conduct, as follows:

- a. Statement of the article of the Code of Conduct.
- b. Basic explanatory material on that article.
- c. Training guidance for:

(1) Level A. Represents the minimum level of understanding for all members of the Marine Corps, to be imparted during entry-level training of all personnel.

(2) Level B. Minimum level of understanding for Marines whose military jobs, specialties, or assignments entail moderate risk of capture, such as members of ground combat units and crews of naval vessels. Training shall be conducted for such individuals as soon as their assumption of duty makes them eligible.

(3) Level C. Minimum level of understanding for Marines whose military jobs, specialties, or assignments entail significant or high risk of capture and whose position, grade, or seniority make them vulnerable to greater-than-average exploitation efforts by a captor. Examples include aircrews and special mission forces such as Marine Corps force reconnaissance units, and military attaches. Training shall be conducted for those Marines as soon as assumption of such duties or responsibilities makes them eligible.

5. The intent in providing subject matter guidance for use in ascending levels of understanding is to direct the command to increase each Marine's depth of knowledge depending on needs, not to provide a checklist of topics or number of hours of instruction required. Training at Levels B and C should include more detailed information on coping skills and more complex problem-solving on leadership and command topics than were first introduced to the Marine during Level A training.

B. ARTICLES OF THE CODE OF CONDUCT AND IMPLEMENTING INSTRUCTIONS

1. Article I. I AM AN AMERICAN, FIGHTING IN THE FORCES WHICH GUARD MY COUNTRY AND OUR WAY OF LIFE. I AM PREPARED TO GIVE MY LIFE IN THEIR DEFENSE.

ENCLOSURE (1)

a. Explanation

(1) Article I of the Code of Conduct applies to all Marines at all times. A Marine has a duty to support U.S. interests and oppose U.S. enemies regardless of the circumstances, whether in active participation in combat or in captivity.

(2) Medical personnel and chaplains are granted, by virtue of their special retained status under the Geneva Conventions, certain latitude under the Code of Conduct. That flexibility is directly related to the policies of the captors as to whether they adhere to the requirement of the Geneva Conventions to let medical personnel and chaplains perform their professional duties. All personnel should understand the latitude and limits of this flexibility (see section C, below, of this enclosure).

b. Training Guidance for Levels A, B, and C.

Familiarity with the wording and basic meaning of Article I is necessary to understand that:

(1) Past experience of captured Americans reveals that honorable survival in captivity requires that a Marine possess a high degree of dedication and motivation. Maintaining these qualities requires knowledge of, and a strong belief in the following:

(a) The advantages of American democratic institutions and concepts.

(b) Love of and faith in the United States and a conviction that the U.S. cause is just.

(c) Faith in and loyalty to fellow POW's.

(2) Possessing the dedication and motivation fostered by such beliefs and trust shall enable POW's to survive long and stressful periods of captivity, and return to their country and families honorably with self-esteem intact.

2. Article II. I WILL NEVER SURRENDER OF MY OWN FREE WILL. IF IN COMMAND, I WILL NEVER SURRENDER THE MEMBERS OF MY COMMAND WHILE THEY STILL HAVE THE MEANS TO RESIST.

a. Explanation. Marines may never surrender voluntarily. Even when isolated and no longer able to inflict casualties on the enemy or otherwise defend themselves, it is their duty to evade capture and rejoin the nearest friendly force.

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(1) It is only when evasion is impossible and further fighting would lead to their death with no significant loss to the enemy that the means to resist or evade might be considered exhausted.

(2) The responsibility and authority of a commander never extends to the surrender of the command, even if isolated, cut off, or surrounded, while the unit has the power to resist, break out, or evade to rejoin friendly forces.

b. Training Guidance

(1) Levels A, B, and C. Training should ensure that each individual is familiar with the wording and basic meaning of Article II, as stated in paragraph B2a, above.

(2) Levels B and C. Training should be oriented toward additional depth of knowledge on the following topics. Specifically, Marines must:

(a) Understand that when they are cut off, shot down, or otherwise isolated in enemy-controlled territory, they must make every effort to avoid capture. The courses of action available include concealment until recovered by friendly rescue forces, evasive travel to a friendly or neutral territory, and evasive travel to other prebriefed areas.

(b) Understand that capture does not constitute a dishonorable act if all reasonable means of avoiding it have been exhausted and the only alternative is death.

(3) Level C. Training should ensure that Marines shall understand and have confidence in the procedures and techniques of rescue by search and recovery forces and the procedures for properly utilizing specified evasion destinations.

3. Article III. IF I AM CAPTURED I WILL CONTINUE TO RESIST BY ALL MEANS AVAILABLE. I WILL MAKE EVERY EFFORT TO ESCAPE AND AID OTHERS TO ESCAPE. I WILL ACCEPT NEITHER PAROLE NOR SPECIAL FAVORS FROM THE ENEMY.

a. Explanation. The duty of a Marine to continue resistance to enemy exploitation by all means available is not lessened by the misfortune of capture. Enemies whom U.S. forces have engaged since 1949 have regarded the POW compound as an extension of the battlefield. The POW must be prepared for this fact.

ENCLOSURE (1)

(1) The enemy may use a variety of tactics to exploit POW's for propaganda purposes or to obtain military information. Physical and mental harassment, general mistreatment, torture, medical neglect, and political indoctrination have all been used against POW's in the past. Resistance to captor exploitation efforts is required by the Code of Conduct.

(2) The enemy has tried to tempt POW's to accept special favors or privileges not given to other POW's in return for statements or information desired by the enemy or for a pledge by the POW not to attempt escape.

(3) A POW must not seek special privileges or accept special favors at the expense of fellow POW's.

(4) The Geneva Conventions recognize that the regulations of a POW's country may impose the duty to escape and that POW's may attempt to escape. Under the guidance and supervision of the senior military person and POW organization, POW's must be prepared to take advantage of escape opportunities whenever they arise. In communal detention, the welfare of the POW's who remain behind must be considered. A POW must "think escape," must try to escape if able to do so, and must assist others to escape.

(5) The Geneva Conventions authorize the release of POW's on parole only to the extent authorized by the POW's country, and prohibit compelling a POW to accept parole. Parole agreements are promises given the captor by a POW to fulfill stated conditions, such as not to bear arms or not to escape, in consideration of special privileges, such as release from captivity or lessened restraint. The United States does not authorize any military service member to sign or enter into any such parole agreement.

b. Training Guidance

(1) Levels A, B, and C. Training should ensure that Marines are familiar with the wording and basic meaning of Article III, as states in paragraph B3a., above.

(2) Levels B and C. Training should be oriented toward an additional depth of knowledge on the following topics. Specifically, Marines must:

(a) Understand that captivity is a situation involving continuous control by a captor who may attempt to use the POW as a source of military information, for political purposes, and as a potential subject for political indoctrination.

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(b) Be familiar with the rights and obligations of both the POW and the captor under the Geneva Conventions of 1949 and be aware of the increased significance of resistance should the captor refuse to abide by the provisions of the Geneva Conventions. Be aware that the resistance required by the Code of Conduct is directed at captor exploitation efforts. Understand that resistance beyond that identified above subjects the POW to possible punishment by the captor for order and discipline violations or criminal offenses against the detaining power.

(c) Be familiar with, and prepared for, the implications of the communist-bloc reservation to Article 85 of the Geneva Conventions. Article 85 offers protection to a POW legally convicted of a crime committed before capture. Understand that Communist captors often threaten to use their reservation to Article 85 as a basis for adjudging all members of opposing armed forces as "war criminals." As a result, POW's may find themselves accused of being "war criminals" simply because they waged war against their Communist captors before capture. The U.S. Government does not recognize the validity of this argument.

(d) Understand that a successful escape by a POW causes the enemy to divert forces that might otherwise be fighting, provides the United States valuable information about the enemy and other POW's in captivity, and serves as a positive example to all members of the Armed Forces.

(e) Understand the advantages of early escape in that members of the ground forces are usually relatively near friendly forces. For all captured individuals, an early escape attempt takes advantage of the fact that the initial captors are usually not trained guards, that the security system is relatively lax, and that the POW is not yet in a debilitated physical condition.

(f) Be familiar with the complications of escape after arrival at an established POW camp, including secure facilities and an experienced guard system, increased distance from friendly forces, debilitated physical condition of prisoners, psychological factors that reduce escape motivation ("barbed-wire syndrome"), and the often differing ethnic characteristics of the escapee and the enemy population.

(g) Understand the importance of being alert for escape opportunities, especially for POW's immediately after capture, or when confined alone.

ENCLOSURE (1)

(h) Understand the command supervisory role of the senior military person and the POW organization in escapes from established POW camps. Understand the responsibilities of escapees to their fellow POW's.

(i) Understand that acceptance of parole means a POW has agreed not to engage in a specified act, such as to escape or to bear arms, in exchange for a stated privilege, and that U.S. policy forbids a POW to accept such parole.

(j) Understand the effects on POW organization and morale, as well as the possible legal consequences, of accepting a favor from the enemy that results in gaining benefits or privileges not available to all POW's. Such benefits and privileges include acceptance of release before the release of sick or wounded POW's or those who have been in captivity longer. Special favors include improved food, recreation, and living conditions not available to other POW's. Understand that the acceptance of special favors to the detriment of other POW's may be a violation of Article 105, UCMJ, prosecutable after the offender's return to the United States.

(3) Level C. Training should be oriented toward additional details on the topics set forth in subparagraph B3b2, above, as well as understanding the necessity for and the mechanics of covert organizations in captivity. Those organizations serve the captive's ends, such as effecting escape.

4. Article IV. IF I BECOME A PRISONER OF WAR, I WILL KEEP FAITH WITH MY FELLOW PRISONERS. I WILL GIVE NO INFORMATION OR TAKE PART IN ANY ACTION WHICH MIGHT BE HARMFUL TO MY COMRADES. IF I AM SENIOR, I WILL TAKE COMMAND. IF NOT, I WILL OBEY THE LAWFUL ORDERS OF THOSE APPOINTED OVER ME AND WILL BACK THEM UP IN EVERY WAY.

a. Explanation. Officers and noncommissioned officers shall continue to carry out their responsibilities and exercise their authority in captivity.

(1) Informing, or any other action detrimental to a fellow POW, is despicable and is expressly forbidden. POW's especially must avoid helping the enemy to identify fellow POW's who may have knowledge of value to the enemy and who may be made to suffer coercive interrogation.

(2) Strong leadership is essential to discipline. Without discipline, camp organization, resistance, and even survival may be impossible.

(3) Personal hygiene, camp sanitation, and care of the sick and wounded are imperative.

ENCLOSURE (1)

(4) Wherever located, POW's, for their own benefit, should organize in a military manner under the senior military POW eligible for command. The senior POW (whether officer or enlisted) in the POW camp or among a group of POW's shall assume command according to grade without regard to military service. That responsibility and accountability may not be evaded. (See section C, below, of this enclosure.)

(5) When taking command, the senior POW shall inform the other POW's and shall designate the chain of command. If the senior POW is incapacitated, or is otherwise unable to act for any reason, command shall be assumed by the next senior POW. Every effort shall be made to inform all POW's in the camp (or group) of the members of the chain of command who shall represent them in dealing with enemy authorities. The responsibility of subordinates to obey the lawful orders of ranking American military personnel remains unchanged in captivity.

(6) U.S. policy on POW camp organization requires that the senior military POW shall assume command. The Geneva Conventions on POW's provide additional guidance to the effect that in POW camps containing enlisted personnel only, a prisoners' representative will be elected. POW's should understand that such a representative is regarded by U.S. policy only as a spokesperson for the senior POW. The prisoners' representative does not have command, unless the POW's elect the senior POW to be the prisoners' representative. The senior POW shall assume and retain actual command, covertly if necessary.

(7) Maintaining communications is one of the most important ways that POW's may aid one another. Communication breaks down the barriers of isolation that an enemy may attempt to construct and helps strengthen a POW's will to resist. Each POW, immediately upon capture, shall try to make contact with fellow POW's by any means available and, thereafter, shall continue to communicate and participate vigorously as part of the POW organization.

(8) As with other provisions of the Code of Conduct, common sense and the conditions in the POW camp will determine the way in which the senior POW and the other POW's structure their organization and carry out their responsibilities. It is important that:

(a) The senior POW establish an organization.

(b) The POW's in that organization understand their duties and know to whom they are responsible.

ENCLOSURE (1)

b. Training Guidance

(1) Levels A, B, and C. Training should ensure that Marines are familiar with the wording and basic meaning of Article IV, as stated in paragraph B4a, above, and understand that:

(a) Leadership and obedience to those in command are essential to the discipline required to effect successful organization against captor exploitation. In captivity situations involving two or more POW's, the senior ranking POW shall assume command; all others shall obey the orders and abide by the decisions of the senior POW regardless of differences in military service affiliations. Failure to do so shall result in the weakening of organization, a lowering of resistance, and, after repatriation, may result in legal proceedings under the UCMJ.

(b) Faith, trust, and individual loyalty to the group have great value in establishing and maintaining an effective POW organization.

(c) A POW who voluntarily informs or collaborates with the captor is a traitor to the United States and fellow POW's and, after repatriation, is subject to punishment under the UCMJ for such actions.

(2) Levels B and C. Training should be oriented toward additional depth of knowledge on the following topics. Specifically, Marines must:

(a) Be familiar with the principles of hygiene, sanitation, health maintenance, first aid, physical conditioning, and food utilization, including recognition and emergency self-treatment of typical POW camp illnesses by emergency use of primitive materials and available substances (e.g., toothpaste, salt, and charcoal). Such knowledge exerts an important influence on POW ability to resist and assists an effective POW organization.

(b) Understand the importance of, and the basic procedures for, establishing secure communications between separated individuals and groups of POW's attempting to establish and maintain an effective organization.

(c) Be familiar with the major ethnic, racial, and national characteristics of the enemy that may affect POW-captor relationships to the detriment of individual POW's and the POW organization.

ENCLOSURE (1)

(d) Further, understand that:

1 An informer or collaborator should be insulated from sensitive information on POW organization, but that continuing efforts should be made by members of the POW organization to encourage and persuade the collaborator to cease such activities.

2 Welcoming a repentant collaborator "back to the fold" is generally a more effective POW organization resistance technique than continued isolation, which only may encourage the collaborator to continue such treasonous conduct.

3 There is a significant difference between the collaborator who must be persuaded to return and the resister who, having been physically or mentally tortured into complying with a captor's improper demand (such as to provide information or a propaganda statement), should be helped to gather strength and resume resistance.

(e) Understand that, in situations where military and civilian personnel are imprisoned together, the senior military POW should make every effort to persuade civilian prisoners that the military service member's assuming overall command leadership of the entire prisoner group, based upon experience and specific training, is advantageous to the entire prisoner community.

(3) Level C. Understand the need for, and the mechanics of, establishing an effective covert organization in situations where the captor attempts to prevent or frustrate a properly constituted organization.

5. Article V. WHEN QUESTIONED, SHOULD I BECOME A PRISONER OF WAR, I AM REQUIRED TO GIVE NAME, RANK, SERVICE NUMBER, AND DATE OF BIRTH. I WILL EVADE ANSWERING FURTHER QUESTIONS TO THE UTMOST OF MY ABILITY. I WILL MAKE NO ORAL OR WRITTEN STATEMENTS DISLOYAL TO MY COUNTRY AND ITS ALLIES OR HARMFUL TO THEIR CAUSE.

a. Explanation. When questioned, a POW is required by the Geneva Conventions and the Code of Conduct, and is permitted by the UCMJ, to give name, grade, service number, and date of birth. Under the Geneva Conventions, the enemy has no right to try to force a POW to provide any additional information. However, it is unrealistic to expect a POW to remain confined for years reciting only name, grade, Service number, and date of birth. There are many POW camp situations in which certain types of conversation with the enemy are permitted. For example, a POW is allowed, but not required by the Code of Conduct, the UCMJ, or the Geneva Conventions, to fill out a Geneva Conventions "capture card," to write letters home, and to communicate with captors on matters of health and welfare.

ENCLOSURE (1)

(1) The senior POW is required to represent fellow POW's in matters of camp administration, health, welfare, and grievances. However, it must be borne constantly in mind that the enemy has often viewed POW's as valuable sources of military information and propaganda that may be used to further the enemy's war effort.

(2) Accordingly, each POW must exercise great caution when filling out a "capture card," when engaging in authorized communication with the captor, and when writing letters. A POW must resist, avoid, or evade, even when physically and mentally coerced, all enemy efforts to secure statements or actions that may further the enemy's cause.

(3) Examples of statements or actions POW's should resist include giving oral or written confessions, answering questionnaires, providing personal history statements, making propaganda recordings and broadcast appeals to other POW's to comply with improper captor demands, appealing for U.S. surrender or parole, engaging in self-criticisms, or providing oral or written statements or communications on behalf of the enemy or harmful to the United States, its allies, the Armed Forces, or other POW's.

(4) A POW should recognize that any confession or statement may be used by the enemy as part of a false accusation that the captive is a war criminal rather than a POW. Moreover, certain countries have made reservations to the Geneva Conventions in which they assert that a war criminal conviction has the effect of depriving the convicted individual of POW status, thus removing the POW from protection under the Geneva Conventions. The right to repatriation is thus revoked until a prison sentence is served.

(5) If a POW finds that, under intense coercion, unauthorized information was unwillingly or accidentally disclosed, the individual should attempt to recover and resist with a fresh line of mental defense.

(a) Experience has shown that, although enemy interrogation sessions may be harsh and cruel, it is usually possible to resist, if there is a will to resist.

(b) The best way for a POW to keep faith with the United States, fellow POW's, and oneself is to provide the enemy with as little information as possible.

ENCLOSURE (1)

b. Training Guidance

(1) Levels A, B, and C. Training should ensure that Marines are familiar with the wording and basic meaning of Article V, as stated in paragraph B5a, above.

(2) Levels B and C. Additional understanding of the following topics should be acquired at Levels B and C. Specifically, Marines must:

(a) Be familiar with the various aspects of the interrogation process, its phases, the procedures, methods and techniques of interrogation, and the interrogator's goals, strengths, and weaknesses.

(b) Understand that a POW is required by the Geneva Conventions and the Code of Conduct to disclose name, grade, service number, and date of birth, when questioned. Understand that answering further questions must be avoided. A POW is encouraged to limit further disclosure by use of such resistance techniques as claiming inability to furnish additional information because of previous orders, poor memory, ignorance, or lack of comprehension. The POW may never willingly give the captor additional information, but must resist doing so even if it involves withstanding mental and physical duress.

(c) Understand that, short of death, it is unlikely that a POW may prevent a skilled enemy interrogator, using all available psychological and physical methods of coercion, from obtaining some degree of compliance by the POW with captor demands. However, understand that if taken past the point of maximum endurance by the captor, the POW must recover as quickly as possible and resist each successive captor exploitation effort to the utmost. Understand that a forced answer on one point does not authorize continued compliance. Even the same answer must be resisted again at the next interrogation session.

(d) Understand that a POW is authorized by the Code of Conduct to communicate with captors on individual health or welfare matters and, when appropriate, on routine matters of camp administration. Conversations on those matters are not considered to be giving unauthorized information, as defined in subparagraph B5a(3), above.

(e) Understand that the POW may furnish limited information on family status and address in filling out a Geneva Conventions capture card. Be aware that a POW may write personal correspondence. Be aware that the captor shall have full access of both the information on the capture card and the contents of personal correspondence.

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(f) Be familiar with the captor's reasons for and methods of attempting to involve POW's in both internal and external propaganda activities. Understand that a POW must utilize every means available to avoid participation in such activities and must not make oral or written statements disloyal to the United States or its allies, or detrimental to fellow POW's.

(g) Be familiar with the captor's reasons for and methods of attempting to indoctrinate POW's politically. Be familiar with the methods of resisting such indoctrination.

(3) Level C. Training should provide additional details, and Marines specifically should:

(a) Understand that, even when coerced beyond name, grade, service number, date of birth, and claims of disabilities, it is possible to thwart an interrogator's efforts to obtain useful information by the use of certain additional ruses and stratagems.

(b) Understand and develop confidence in the ability to use properly the ruses and stratagems designed to prevent successful interrogation.

6. Article VI. I WILL NEVER FORGET THAT I AM AN AMERICAN, FIGHTING FOR FREEDOM, RESPONSIBLE FOR MY ACTIONS, AND DEDICATED TO THE PRINCIPLES WHICH MADE MY COUNTRY FREE. I WILL TRUST IN MY GOD AND IN THE UNITED STATES OF AMERICA.

a. Explanation. A member of the Armed Forces remains responsible for personal actions at all times. Article VI is designed to assist members of the Armed Forces to fulfill their responsibilities and survive captivity with honor. The Code of Conduct, does not conflict with the UCMJ, and the latter continues to apply to each military member during captivity or other hostile detention.

(1) When repatriated, POW's can expect their actions to be subject to review, both as to circumstances of capture and as to conduct during detention. The purpose of such review is to recognize meritorious performance and, if necessary, investigate any allegations of misconduct.

(2) Such reviews will be conducted with due regard for the rights of the individual and consideration for the conditions of captivity.

(3) A member of the Armed Forces who is captured has a continuing obligation to resist all attempts at indoctrination and remain loyal to the United States.

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(4) The life of a POW may be very hard. POW's who stand firm and united against enemy pressures shall aid one another immeasurably in surviving this ordeal.

b. Training Guidance for Levels A, B, and C. Training should ensure that Marines are familiar with the wording and basic meaning of Article VI, and:

(1) Understand the relationship between the UCMJ and the Code of Conduct, and realize that failure to follow the guidance of the Code of Conduct may result in violation of the UCMJ. Every member of the Armed Forces of the United States should understand that they legally may be held accountable for personal actions while detained.

(2) Be knowledgeable of the national policy expressed by the President in promulgating the Code of Conduct:

No American prisoner of war will be forgotten by the United States. Every available means will be employed by our Government to establish contact with, to support and to obtain the release of all our prisoners of war. Furthermore, the laws of the United States provide for the support and care of dependents of the Armed Forces including those who become prisoners of war. I assure dependents of such prisoners that these laws will continue to provide for their welfare.

(3) Understand that both the POW and dependents shall be taken care of by the Armed Forces and that pay and allowances, eligibility and procedures for promotion, and benefits for dependents continue while the POW is detained.

(4) Understand the importance of military members ensuring that their personal affairs and family matters (pay, powers of attorney, will, car payments, and childrens' schooling) are kept current through discussion, counseling or filing of documents before being exposed to risk of capture.

(5) Understand that failure to accomplish the matters set forth in subparagraph B6b(4), above, has resulted in an almost overwhelming sense of guilt on the part of the POW's and has placed unnecessary hardship on family members.

ENCLOSURE (1)

C. SPECIAL ALLOWANCES FOR MEDICAL PERSONNEL AND CHAPLAINS

The additional flexibility afforded medical personnel and chaplains under the circumstance cited in the explanation to Article I is further clarified, as follows:

1. Article I

a. Medical personnel and chaplains are granted, by virtue of their special retained status under the Geneva Conventions, certain latitude under the Code of Conduct if the policies of the captors adhere to the requirement of the Geneva Conventions permitting those personnel to perform their professional duties.

b. If the captors allow medical personnel and chaplains to perform their professional duties, those personnel may exercise a degree of flexibility with regard to some of the specific provisions of the Code of Conduct to perform their professional duties.

c. This degree of flexibility only may be employed if it is in the best interests of the medical and spiritual needs of fellow POW's and the United States. Like all members of the Armed Forces, medical personnel and chaplains are accountable for their actions.

2. Article II. No additional flexibility.

3. Article III. Under the Geneva Conventions, medical personnel and chaplains who fall into the hands of the enemy are "retained personnel" and are not to be considered POW's. The enemy is required by the Geneva Conventions to allow such persons to continue to perform their medical or religious duties, preferably for POW's of their own country. When the services of those "retained personnel" are no longer needed for these duties, the enemy is obligated to return them to their own forces.

a. The medical personnel and chaplains of the U.S. Armed Forces, who fall into the hands of the enemy, must assert their rights as "retained personnel" to perform their medical and religious duties for the benefit of the POW's and must take every opportunity to do so.

b. If the captor permits medical personnel and chaplains to perform their professional functions for the welfare of the POW community, special latitude is authorized those personnel under the Code of Conduct, as it applies to escape.

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c. Medical personnel and chaplains, as individuals, do not have a duty to escape or to actively aid others in escaping as long as they are treated as "retained personnel" by the enemy. U.S. experience since 1949, when the Geneva Conventions were written, reflects no compliance by captors of U.S. personnel with those provisions of the Geneva Conventions. U.S. medical and chaplain personnel must be prepared to be subjected to the same treatment as other POW's.

d. If the captor does not permit medical personnel and chaplains to perform their professional functions, they are considered identical to all other POW's with respect to their responsibilities under the Code of Conduct. Under no circumstances shall the latitude granted medical personnel and chaplains be interpreted to authorize any actions or conduct detrimental to the POW's or the interests of the United States.

4. Article IV. Medical personnel generally are prohibited from assuming command over nonmedical personnel and chaplains generally are prohibited from assuming command over military personnel of any branch. Military service regulations that restrict eligibility of those personnel for command shall be explained to all personnel at an appropriate level of understanding to preclude later confusion in a POW camp.

5. Article V. This Article and its explanation also apply to medical personnel and chaplains ("retained personnel"). They are required to communicate with a captor in connection with their professional responsibilities, subject to the restraints discussed in Articles I, above, and VI, below.

6. Article VI. No additional flexibility.

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GUIDANCE FOR INSTRUCTION TO ASSIST
U.S. MILITARY PERSONNEL IN
CAPTIVITY OR HOSTILE DETENTION DURING PEACETIME

A. POLICY

This policy on the conduct of Marine Corps personnel, isolated from U.S. control, applies at all times. Marines finding themselves isolated from U.S. control are required to do everything in their power to follow the DoD policy in this situation which is to survive with honor.

B. SCOPE

The Code of Conduct, is a moral guide designed to assist Marines in combat or being held as POW's to live up to the ideals in the DoD policy. The guidance in this enclosure shall assist Marine Corps personnel who find themselves isolated from U.S. control in peacetime, or in a situation not related specifically in the Code of Conduct.

C. RATIONALE

Marines, because of their wide range of activities, are subject to peacetime detention by unfriendly governments or captivity by terrorist groups. The guidance in this enclosure seeks to help them survive those situations with honor and does not constitute a means for judgment or replace the UCMJ as a vehicle for enforcement of proper conduct. The guidance in this enclosure, although exactly the same as the Code of Conduct in some areas, applies only during peacetime. The term "peacetime" means that armed conflict does not exist or where armed conflict does exist, but the United States is not involved directly.

D. GENERAL

Marines captured or detained by hostile foreign governments or terrorists often are held for exploitation of the captives, or the U.S. Government, or both. That exploitation may take many forms, but each form of exploitation is designed to assist the foreign government or the terrorist captors. In the past, detainees have been exploited for information and propaganda efforts, including confessions to crimes never committed, all of which assisted or lent credibility to the detainer. Governments also have been exploited in such situations to make damaging statements about themselves or to force them to appear weak in relation to other governments. Ransoms for captives of terrorists have been paid by governments, and such payments have improved terrorist finances, supplies, status, and operations, often prolonging the terror carried on by such groups.

E. RESPONSIBILITY

U.S. military personnel, whether detainees or captives, may be assured that the U.S. Government shall make every good faith effort to obtain their earliest release. Faith in one's country and its way of life, faith in fellow detainees or captives, and faith in one's self are critical to surviving with honor and resisting exploitation. Resisting exploitation and having faith in these areas are the responsibility of all Americans. On the other hand, the destruction of such faith must be an assumed goal of all captors determined to maximize their gains from a detention or captive situation.

F. GOAL

Every reasonable step must be taken by Marines to prevent exploitation of themselves and the U.S. Government. If not prevented completely, every step must be taken to limit exploitation as much as possible. Detained Marines often are catalysts for their own release, based on their ability to become unattractive sources of exploitation; i.e., one who resists successfully may expect detainers to lose interest in further exploitation attempts. Detainees, or captives, very often must make their own judgements as to which actions shall increase their chances of returning home with honor and dignity. Without exception, the Marines who can say honestly that they have done their utmost in a detention or captive situation to resist exploitation upholds DoD policy, the founding principles of the United States, and the highest traditions of the Marine Corps.

G. MILITARY BEARING AND COURTESY

Regardless of the type of detention or captivity, or harshness of treatment, Marines will maintain their military bearing. They should make every effort to remain calm, courteous, and to project personal dignity. That is particularly important during the process of capture and the early stages of internment when captors may be uncertain of their control over the captives. Discourteous, unmilitary behavior seldom serves the long-term interest of a detainee, captive, or hostage. Additionally, it often results in unnecessary punishment that serves no useful purpose. Such behavior, in some situations, may jeopardize survival and severely complicate efforts to gain release of the detained, captured or hostage-held Marine.

H. CLASSIFIED INFORMATION

There are no circumstances in which a detainee, or captive, should voluntarily give classified information or materials to those unauthorized to receive them. To the utmost of their

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ability, Marines held as detainees, captives, or hostages shall protect all classified information. An unauthorized disclosure of classified information, for whatever reason, does not justify further disclosures. Detainees, captives, and hostages must resist, to the utmost of their ability, each and every attempt by their captor to obtain such information.

I. CHAIN OF COMMAND

In group detention, captivity, or hostage situations, military detainees, captives, or hostages will organize, to the fullest extent possible, in a military manner under the senior service member present and eligible to command. The importance of such an organization may not be overemphasized. Historically, in both peacetime and wartime, establishment of a military chain of command has been a tremendous source of strength for all captives. Every effort shall be made to establish and sustain communications with other detainees, captives or hostages. Marine detainees, captives, or hostages will encourage civilians being held with them to participate in the military organization and accept the authority of the senior military member. In some circumstances, such as embassy duty, Marines may be under the direction of a senior U.S. civilian official. Notwithstanding such circumstances, the senior military member is still obligated to establish, as an entity, a military organization and to ensure that the guidelines in support of the DoD policy to survive with honor are not compromised.

J. GUIDANCE FOR DETENTION BY GOVERNMENTS

1. Once in the custody of a hostile government, regardless of the circumstances that preceded the situation, detainees are subject to the laws of that government. Detainees will maintain their military bearing and should avoid any aggressive, combative, or illegal behavior. The latter might complicate their situation, their legal status, and any efforts to negotiate a rapid release.

2. As American citizens, detainees should be allowed to be placed in contact with U.S., or friendly, embassy personnel. Detainees should ask immediately and continually to see U.S. embassy personnel, or a representative of an allied or neutral government.

3. Marines who become lost or isolated in a hostile foreign country during peacetime will not act as combatants during evasion attempts. Since a state of armed conflict does not exist, there is no protection afforded under the Geneva Conventions. The civil laws of that country apply. Delays in contacting local authorities may be caused by injuries affecting the Marine's mobility, disorientation, fear of captivity, or a desire to see if a rescue attempt might be made.

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4. Since the detainer's goals may be maximum political exploitation, U.S. military personnel who are detained must be extremely cautious of their captors in everything they say and do. In addition to asking for a U.S. representative, detainees should provide name, grade, social security account number, date of birth, and the innocent circumstances leading to their detention. Further discussion should be limited to and revolve around health and welfare matters, conditions of their fellow detainees, and going home.

a. Historically, the detainers have attempted to engage military captives in what may be called a "battle of wits" about seemingly innocent and useless topics as well as provocative issues. To engage any detainer in such useless, if not dangerous, dialogue only enables a captor to spend more time with the detainee. The detainee should consider dealings with the captors as a "battle of wills;" the will to restrict discussion to those items that relate to the detainee's treatment and return home against the detainer's will to discuss irrelevant, if not dangerous, topics.

b. As there is no reason to sign any form or document in peacetime detention, detainees shall avoid signing any document or making any statement, oral or otherwise. If detainees are forced to make a statement or sign documents, they must provide as little information as possible and then continue to resist to the utmost of their abilities. If a detainee write or signs anything, such action should be measured against how it reflects on the United States and the individual as a Marine, or how it could be misused by the detainer to further the detainer's end.

c. Detainees are not likely to earn their release by cooperation. Release may be gained by Marines doing their best to resist exploitation, thereby reducing the value to a detainer, and thus prompting a hostile government to negotiate seriously with the U.S. Government.

5. Marines should not refuse to accept release, unless doing so requires them to compromise their honor or cause damage to the U.S. Government or its allies. Persons in charge of detained Marines shall authorize release of any personnel under almost all circumstances.

6. Escape attempts shall be made only after careful consideration of the risk of violence, chance of success, and detrimental effects on detainees remaining behind. Jailbreak in most countries is a crime. Escape attempts would provide the detainer with further justification to prolong detention by charging additional violations of its criminal or civil law and might result in bodily harm or even death to the detainee.

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K. GUIDANCE FOR CAPTIVITY BY TERRORISTS

1. Capture by terrorists is generally the least predictable and structured form of peacetime captivity. The captor qualifies as an international criminal. The possible forms of captivity vary from spontaneous hijacking to a carefully planned kidnapping. In such captivities, hostages play a greater role in determining their own fate since the terrorists in many instances expect to receive no reward for providing good treatment or releasing victims unharmed. If U.S. military personnel are uncertain whether captors are genuine terrorists or surrogates of a government, they should assume that they are terrorists.

2. If assigned in, or traveling through, areas of known terrorist activity, U.S. military personnel shall exercise prudent antiterrorism measures to reduce their vulnerability to capture. During the process of capture and initial interment, they should remain calm and courteous, since most casualties among hostages occur during this phase.

3. Surviving in some terrorist detentions may depend on hostages conveying a personal dignity and apparent sincerity to the captors. Hostages may discuss nonsubstantive topics such as sports, family, and clothing, to convey to the terrorist the captive's personal dignity and human qualities. They will make every effort to avoid embarrassing the United States and the host government. The purpose of that dialogue is for the hostage to become a "person" in the captor's eyes, rather than a mere symbol of ideological hatred. Such a dialogue also should strengthen the hostage's determination to survive and resist. A hostage also may listen actively to the terrorist's feeling about the cause to support the hostage's desire to be a "person" to the terrorist. However, Marines should never pander, praise, participate, or debate the terrorist's cause with the terrorist.

4. Marines held hostage by terrorists should accept release using guidance in subsection J4, above. Marines will keep faith with their fellow hostages and conduct themselves according to the guidelines of this enclosure. Hostages and kidnap victims who consider escape to be their only hope are authorized to make such attempts. The hostage must weigh carefully the unique circumstances of the terrorist situation and all aspects of a decision to attempt escape.

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